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Attorneys for Defendant
ATN HOLDINGS, INC.
f/k/a Attune Foods, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

MARY SWEARINGEN and ROBERT FIGY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ATTUNE FOODS, INC.,

Defendant.

Case No.: 4:13-cv-04541 SBA

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Current date: April 9, 2014

Requested date: May 28, 2014

1 Plaintiffs Mary Swearingen and Robert Figy (“Plaintiffs”), and Defendant ATN Holdings,
2 Inc. (f/k/a/ Attune Foods, Inc.) (“Defendant”), hereby stipulate as follows:

3 1. Plaintiffs Mary Swearingen and Robert Figy (“Plaintiffs”) filed their Complaint on
4 October 1, 2013. ATN Holdings, Inc. (formerly known as Attune Foods, Inc.) (“Defendant”) was
5 served on October 11, 2013. The parties previously stipulated pursuant to Local Rule 6-1(a) that
6 Defendant would have until December 6, 2013 to answer or otherwise respond to the Complaint
7 (Docket 11).

8 2. Given scheduling difficulties surrounding the holidays in November and December,
9 the parties stipulated to extend Defendant’s time to answer or otherwise respond to Plaintiffs’
10 Complaint until January 15, 2014 (Dkt. 12).

11 3. Subsequently, Counsel for Attune Foods, Inc., filed its Motion to Dismiss Plaintiffs’
12 Complaint on January 15, 2014 (Dkt. 15).

13 4. Plaintiffs filed their Amended Complaint against Attune Foods, Inc., January 29,
14 2014 (Dkt. 18).

15 5. Defendant’s Motion to Dismiss was Denied as Moot February 5, 2014 (Dkt. 19).

16 6. Subsequently, Counsel for Defendant’s Withdrawal and Substitution of Counsel was
17 filed February 6, 2014 and Granted by the Court February 7, 2014 (Dkts. 22 and 23).

18 7. Pursuant to the parties’ Stipulation (Dkt. 24), Defendant filed its Motion to Dismiss the
19 Complaint (“Motion”) on March 4, 2014 (Dkt. 25), and the Motion was scheduled for hearing on April
20 8, 2014;

21 8. For good cause shown, including commitments in other cases, Plaintiffs’ counsel
22 required additional time to respond to the Motion (Dkt. 26);

23 9. The Court extended the briefing schedule of the Motion, and continued the hearing date
24 of the Motion to May 13, 2014 (Dkt. 27); and

25 10. The Case Management Conference presently is set for April 9, 2014. Based on the
26 foregoing, the parties stipulate and respectfully request that the Case Management Conference be
27 continued to a date after the hearing of the Motion to Dismiss.

28 //

1 Subject to approval by the Court, the parties hereby stipulate as follows:

2 The Case Management Conference is rescheduled to May 28, 2014.

3 **IT IS SO STIPULATED.**

4 Dated: March 25, 2014

PRATT & ASSOCIATES

5 By: /s/ Ben F. Pierce Gore
Ben F. Pierce Gore

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7 CLIFFORD LAW OFFICES, P.C.
Colin Harvey Dunn
Attorneys for Plaintiffs
8 Mary Swearingen and Robert Figy

9
10 Date: March 25, 2014

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

11
12
13 By: /s/ John T. Burnite
Ralph W. Robinson
John T. Burnite
14 Attorneys for Defendant
ATN Holdings, Inc.
15 f/k/a Attune Foods, Inc.

ATTESTATION

I, John T. Burnite, am the attorney whose ECF number is being used to file the STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE CASE MANAGEMENT CONFERENCE, and I have obtained the consent of all of the signatories thereto.

Dated: March 25, 2014

/s/ John T. Burnite
John T. Burnite

~~PROPOSED~~ ORDER

Pursuant to the parties' Stipulation, and good cause appearing therefor,

IT IS SO ORDERED, except that the telephonic case management conference will be held on June 25, 2014, at 3:00 p.m. The parties shall meet and confer prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than seven (7) days prior to the Case Management Conference that complies with the Standing Order For All Judges Of The Northern District Of California and the Standing Order of this Court. Plaintiffs shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

Dated: 3/26/2014

Saundra B. Armstrong
Saundra Brown Armstrong
U.S. District Court